

Remarks

Claims 20-26, 28-30 and 32-58 are currently pending in the present application after the addition of new claims 39-58 and cancellation of claims 19, 27, and 31. The limitations previously recited in claim 19 have been added to amended claims 22-25 and 28-29. The limitations previously recited in claim 31 have been added to amended claim 36. Claims 20, 26, 30 and 32-35 have been amended to reflect the change in these claims' dependence on claim 22 or claim 36. Newly added claims 39-58 recite dependent limitations substantially similar to the limitations of claims 20-21, 26 and 30, but newly added claims 39-58 are dependent on amended claim 23, 24, 25, 28 or 29. As discussed in further detail below, all pending claims are allowable over the prior art of record.

Rejection of Claims under 35 U.S.C. §102

Claims 20-26, 28-30 and 32-58 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Publication No. US 2002/0059526 (hereinafter referred to as "Dillon"). Applicant respectfully submits that Dillon fails to anticipate any of the pending claims for at least the following reasons.

To anticipate a claim under 35 U.S.C. §102(e), a single prior art reference must identically disclose each and every claim feature. See Lindeman Machinenfabrik v. American Hoist and Derrick, 730 F.2d 1452, 1458 (Fed. Cir. 1984). If any claim feature is absent from a prior art reference, it cannot anticipate the claim. See Rowe v. Dror, 112 F.3d 473, 478 (Fed. Cir. 1997). Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claim invention, arranged exactly as in the claim. See Lindeman Machinenfabrik v. American Hoist & Derrick, 730 F.2d 1452, 1458 (Fed. Cir. 1984) (emphasis added). Additionally, not only must each of the claim limitations be identically disclosed, an anticipatory reference must also enable a person having ordinary skill in the art to practice the claimed invention, namely the inventions of the rejected claims, as discussed above. See Akzo, N.V. v. U.S.I.T.C., 1 U.S.P.Q.2d 1241, 1245 (Fed. Cir. 1986). To the extent that the Examiner may be relying on the doctrine of inherent disclosure for the anticipation rejection, the Examiner must provide a "basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics necessarily flow from the teachings of the applied art." (See M.P.E.P. § 2112; emphasis in original; see also Ex parte Levy, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990)).

Amended claims 22-25, 28-29 and 36-38 are directed to a method or system for transmitting informational content data to a plurality of terminals. The method and system provide for, *inter alia*, generating two data blocks: an informational content data block generated based on loaded informational content data; and an informational data description block generated based on loaded informational description data. The method and system further provide for linking these data blocks (the information content data block and the informational data description block) to a data transmission block and transmitting this data transmission block from the central information transmission station “to the plurality of terminals.” Each of these claims further recite additional limitations as discussed in further detail below.

Dillon is directed to Internet broadcasting of newsgroup information to users of a news server 50. The news server 50 collects all newsgroup information from the different news servers 55 across the internet 60. The news server 50 then provides for all newsgroup information to be broadcast to the subscriber stations 80 through the transmitter 62 and the satellite gateway 70. As explicitly disclosed in ¶ 0042 of Dillon, the “broadcasts announcements are multicast on a single multicast address, which all subscriber stations 80 access. The broadcast announcement is sent out before the chunk of articles so that the subscriber stations 80 can process the broadcast announcement and open the multicast address to which that chunk is being multicast.” The Dillon system then broadcasts the articles (**after having broadcast the newsgroup information**) and it is the various subscriber stations 80 that make themselves available for the reception of the information. (See ¶0043)

Claim 22

Independent claim 22, as amended, further recites that “the information data description block includes informational data records regarding a geographic region of validity, a valid time period, a data format, a manner of at least one of a coding and an encryption, **and** a manner and type of a transmitted data transmission block.” (emphasis added).

In support of the present rejection, the Examiner indicates on page 5 of the Office Action that the claimed limitation of a data description block is described in Para. 53 of

Dillon. However, Para. 53 of Dillon merely describes the personal news server (PNS) receiving incoming newsgroup packets, performing filter operations on these packets and discarding the rest. The Dillon system does not afford the user the ability to differentiate newsgroups on a wider variety of criteria as recited in the present claims. The Examiner-cited passage of Dillon does not disclose or suggest that the incoming new group packets include data regarding: (1) a geographic region of validity; (2) a valid time period; (3) a data format; (4) a manner of at least one coding and an encryption; and (5) a manner and type of transmission block. Therefore, Dillon does not identically disclose all of the recited limitations of claim 22.

Claim 23

Amended independent claim 23 further recites that “the informational content data and the informational description data are loaded as a function of a request signal transmitted by the central transmission station to the at least one information provider station.” The Dillon system fails to disclose or suggest any transmission of a request signal from news server 50 to news server 55 in order to load informational content data and information description data from the news server 55; instead, Dillon discloses newsgroup articles being transmitted from the news server 55 to the news server 50 in a “store and forward” manner. (See, e.g., Para. 15). The Dillon system operates by saving a copy and automatically forwarding the article as soon as the news server receives the article.

In support of the present rejection, the Examiner cites to Para. 32 of Dillon. Applicant respectfully submits that the Examiner-cited passage fails to support the rejection, particularly because the cited section merely discloses the same “store and forward” technique as described above, i.e., Para. 32 of Dillon merely discloses the server 55 receiving the list of newsgroup servers from the server 50, and also explicitly indicates that the subscription selections are retained locally, which contradicts any disclosure of a request signal. Claim 23 provides the benefit of the information retransmission station being able to decide for itself whether additional information content data are able to be loaded. Therefore, Dillon does not identically disclose all of the recited limitations of claim 23.

Claims 24 and 25

Amended independent claim 24 further recites that “the information content data and the information description data are automatically loaded at regular, settable intervals.” Amended independent claim 25 further recites that “the data transmission block is automatically transmittable by the information transmission station to the plurality of terminals at regular, settable intervals.”

As noted above, the Dillon system discloses a “store and forward” technique for newsgroup distribution. The Examiner-cited passage (Para. 32) of Dillon does not disclose the data being transmitted at regular intervals; instead, the store and forward technique (see Para. 15) provides that articles are distributed in an unregulated fashion, being forwarded among various servers upon receipt. Therefore, the Dillon system could not properly manage data storage levels based on the unknown data distribution techniques, and the “store and forward” of Dillon is in direct contradiction to the claimed “regular, settable intervals.” Therefore, Dillon does not identically disclose all of the recited limitations of claims 24 and 25.

Claim 28

Amended independent claim 28 further recites that “the informational data description block includes decryption and description data indicating a manner of encrypting the data transmission block.” The Examiner-cited passage (Para. 51) of Dillon discloses either the PNS or the satellite receiver performing decryption functions, but these decryption functions relate to data received from the satellite. The claimed “informational data description block” is generated in the central information transmission station, thereby allowing for encryption functionality at the plurality of terminals, instead of being solely at the satellite transmission area disclosed in Dillon. Therefore, Dillon does not identically disclose all of the recited limitations of claim 28.

Claim 29

Amended independent claim 29 further recites that “encryption data for encrypting the data transmission block is transmittable by the at least one information provider station to the plurality of terminals.” Similar to the above discussion regarding claim 28, Dillon merely discloses encryption from the satellite to the receiver or the PNS, which is inconsistent with the recited limitations of claims 29, i.e., “encryption data for encrypting

the data transmission block” being transmittable from at least one provider station to the plurality of stations. Therefore, Dillon does not identically disclose all of the recited limitations of claim 29.

Claim 36

Amended independent claim 36 further recites that “the plurality of terminals are connected by a third transmission network to the at least one information provider station to transmit decryption programs.” Applicant submits that the Examiner has not provided proper support for the assertion that Dillon discloses “a third transmission network”; Dillon merely discloses the transmission pathway from the satellite to the receiver and the PNS. Therefore, Applicant submits that Dillon fails to identically disclose the claimed third transmission network. Additionally, amended independent claim 36 recites the transmission of the decryption programs, whereas (as discussed above regarding claims 28 and 29) the Dillon system does not disclose decryption beyond the satellite transmission, as may be decrypted by either the satellite receiver or the PNS. Therefore, in view of the Examiner’s assertion that the claimed “second transmission network” is met by the transmission to terminals 255 disclosed in Dillon (Page 4, lines 18-19 of the final Office Action), this would specifically exclude a claimed third transmission network and the decryption programs as recited herein. Therefore, Dillon does not identically disclose all of the recited limitations of claim 36.

Claims 37-38

Similar to claims 25 and 28, independent claims 37 and 38 recite the information transmission being “at regular, settable intervals,” and “the informational data description block includes decryption and description data.” As noted above in connection with claim 25, the Dillon system uses a “store and forward” technique, which is in direct contradiction to the “regular, settable intervals” recited in the present claims. As also noted above in connection with claim 28, the decryption of the data occurs by either the receiver or the PNS upon receipt from the satellite, which is in direct contradiction to the information data description block that is generated in the central information transmission station. Therefore, Dillon does not identically disclose all of the recited limitations of claims 37 and 38.

For at least the foregoing reasons, claims 22-25, 28-29 and 36-38 are allowable over Dillon. Since claims 20-21, 26, 30, 32-35 and 39-58 depend from claims 22-25, 28-29 and 36, Applicant submits that these dependent claims are allowable for at least the reasons stated above in connection with claims 22-25, 28-29 and 36.

Conclusion

In light of the foregoing, Applicant respectfully submits that all of the pending claims 20-26, 28-30 and 32-58 are in condition for allowance. It is therefore respectfully requested that the rejections be withdrawn. Prompt reconsideration and allowance of the present application are therefore respectfully requested.

Please charge the \$1,850 fee for the additional claims added in this application (5 additional independent claims in excess of 4 previously paid for; 17 additional claims in excess of 20 total claims previously paid for). Although no other fees are believed to be due in connection with this Amendment, the Office is authorized to charge any required fees in connection with this Amendment to Kenyon & Kenyon LLP's Deposit Account No. 11-0600.

Respectfully submitted,
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